

Local Boundary Commission
 Dept of Community and Economic Development
 550 West 7th Ave. Suite 1770

RECEIVED

Kenai, Alaska, 99501-3510

FAX 1-907-~~269~~-4539 Ph. ⁽⁹⁰⁷⁾ 269-4565

SEP 02 2004

Remand That's due Sept 2, 04

Local Boundary Commission

7 pages from Alaskans Opposed
 Annexation

7 Alaskans opposed Annexation

9 Maria Cabana

1 Cover 9 pages from Maria Cabana.
 letter

17 pgs. I will call to see you
 received by 4:30 Sept 2, 04

Maria Cabana

(907) 235-6081 Box 607

FAX (907) 235-1311 Homer AK. 99603

and Alaskan Opposed Annexation

NY, State of Alaska, Local Boundary
Commission
Homer Annexation Remand Sept 1, 04
from Alaskans Opposed to Annexation -
Doris Cabana
550 West 7th Ave Suite 1770
Anchorage, Alaska 99501-3510
FAX 1-907-269-4539

Please include previous comments
and information from Alaskans Opposed
to Annexation and my self Doris Cabana
et. al

Waet Wrede came into this annexation
on Feb 10, 03 as City Manager of Homer.

Ronald Kraftman started this in
secret and pitted neighbor against
neighbor from the start.

The Court concluded that the
LBC erred when it failed to consider
the impact annexation would have on
KESA. 3 AN-02-0426 ALASKA ~~THE~~

The Annexation contends that Homer
essentially cherry picked KESA. It took
a large part of the commercial tax
base.

Appellors in the present case (Commission
and the City of Homer) admit to essentially
dismissing any impact the Homer annexation
would have on KESA. Yet at the same time

II

they claim the issue was discussed as much as the situation warranted. ^(arrogant)
 The stated reason for the inattention is that the LBC + Homer maintained that KESA was formed illegally and they did not deserve serious consideration. Regardless of the motives of those who petitioned to form KESA, KESA was created and will continue to exist even if Homer annexes ~~any portion~~ of it. The court must assume that the remaining service area is legitimate and will be responsible after annexation for providing services within its new boundaries.

The Court accepts as true that Homer and Kenai Peninsula Borough agreed to an amicable transfer of assets. ~~§~~

I believe the City of Homer has a bad attitude toward KESA and annexation. About 2700 ^{live in area} people signed petitions ^{and called} that they didn't want to join the city of Homer but we were not given the ^{COURTESY} ~~courtesy~~ of a vote of the people.

Take for instance the Preliminary Matters Concerning Admission of Evidence June 24, 04 (see attached front page) City of Homer. No new evidence after Jan 17, 02. AOA and my self protest ^{wait} ~~him~~ ^{Wade}, sending additional information in

III

to LBC after the order not to.

This is no blatant disregard of Orders as many things the City as done in the past wanting to submit additional evidence that relates to events occurring after Jan, 17, 02. Such evidence being submitted under separate cover as an offer of proof of evidence that the City would submit to the LBC for consideration, if it were admitted.

note: I believe Judge Kinder should be advised of this abuse of power. What good does it do to submit any thing more when the City doesn't want to follow the Law.

I never even saw our letters published that had to be in June of 04. Not all of us use computers.

Sincerely
Alexander Opposed Annexation
Doris Caban

(907) 235-6081
Fax (907) 235-1311

Box 607
Homer, AK 99603

We Oppose any and all Annexation by City of Homer Station.

J
ADA

TO: State of Alaska, Local Boundary Commission
Homer Annexation Remand

FROM: Alaskans Opposed to Annexation – Doris Cabana

DATE: June 21, 2004

RE: Local Boundary Commission
Department of Community & Economic Development
550 West 7th Avenue, Suite 1770
Anchorage, Alaska 99501-3510
Fax: 1-907-269-4539
E-mail: Dan.Backhorst@dec.state.ak.us
E-Mail on Remand: questions@dec.state.ak.us,
www.dec.state.ak.us/cbd/
Homer Annexation Remand

THOUGHTS, IDEAS, ACCOMPLISHMENTS

Greater Katchemak Volunteer Fire Emergency

KESA -- was a thought of Doris Cabana and Dr. Vi Jerrel before annexation. We both have long ties with the surrounding area around Homer. I'm an American first, an Alaskan second, having my first child in Seward, Alaska, fifty years ago in 1954 and my last in Homer in 1961.

Example: It was our IDEA to try to protect and named the "Gateway to Homer" others use today, like the Sterling scenic Gateway to Homer. KESA -- It was our accomplishment to try to start a fire service, KESA, in the outlying areas of Homer. We rented the Katchemak City Community hall after talking to Kenai Borough officials to see about how to petition the Kenai Peninsula Borough to have a special election to see if the public wanted a fire service around the city of Homer. In doing so, the KPB sent Ed Oberts, Assistant to Mayor Bagley, down to help us with information and get it started.

It started under Greater Katchemak Volunteer Fire and Emergency Medical Service area and provided for an elected board. See Ordinance 2000-29 certified petition on May 1, 2000. The petition contained 216 valid signatures representing 29.5% of the voter turnout in the October, 1999, Kenai Peninsula Borough Regular Election.

The Mayor's report was submitted to the Assembly at the June 6, 2000, meeting, indicated creating a new service area.

On June 28, 2000, the assembly conducted a public hearing on the proposed service area as required by borough code under the petition method of forming new service areas. Discussion included boundaries of the service area and how to provide services, including possibly working with the City of Homer Fire Department, seeing that over half the volunteers were from outside the Homer City limits.

II
A O A

The KPB finance department provided financial information at the July 18, 2000, assembly meeting, a maximum mill rate of 1.75 mills, a plan for approval to assembly on how services will be provided in the service area in addition to the budget.

The ordinance creates the service area subject to voter approval and authorizes a special by mail election for voter approval to exercise the powers and simultaneously electing the service area board.

The Borough Assembly amended and postponed until 8/15/00 – 8 yes, 0-no, 1-absent.

Section 1, Title 16 of the Kenai Peninsula Borough Code of Ordinances is amended by adding a new chapter 16.20 which reads as follows:

Ordinance 2000-29 Chapter 16.20 Greater Katchemak Volunteer Fire and Emergency. Later amended to KESA – Katchemak Emergency Service Area in future known as KESA.

After it was a fact we backed off and let others of the public be involved because we had other “Thoughts, Ideas, and Accomplishments” to do.

We also started CCAA and handed it over to others to get the public involved. Alaskans Opposed to Annexation to involve others, and trying to protect having more pollution in the “Gateway to Homer” by taking the Borough to Court in 1999-2000-2001, a land trade involving 20 acres in Anchor Point for 40 acres by the Homer Dump which was at least 80% wetlands with two small streams going into Katchemak Bay & on into Cook Inlet, which never should have been traded in the first place.

We are public litigants trying to protect the public, the environment, public health, and fire service areas. Enclosed are three pages: #1 from the Mayors office from Ed Oberts, #2 to William Papp, Assembly President and members of the KPB Assembly from Ed Oberts, Assistant of Mayor Bagley, #3 KPB Ordinance 2000-29 on KESA.

We claimed all along that the City of Homer cherry picked what would give them the most taxes without much output for those taxed or a vote.

On page 3 of 14 of the Remand (it states) “No member of the Commission as currently constituted was a member of the Commission when the original petition came before it.” On December 8, 2003, the Remand states, Bob Hicks, a current member of the commission had potential conflicts of interest with respect to the remanded amended Homer annexation petition.

We asked during the original to have Allen Teske excused, for working for the City of Homer before but the commission said he could stay and vote against our side. I’d like the Judge and Commission to ask “why” all the former commission was let go if they weren’t bias against our side. This all has to do with the KESA issue.

I sat in the Boundary office during a teleconference with Homer and asked to testify. When I started to testify, I was stopped and was told I believe by the Chair at that time, Kevin Waring,

III
AOA

my testifying wouldn't be fair to Mr. Draftman, City Manager. He was on the teleconference call so I couldn't see why? He could have replied, I was denied my right. The City got away with a lot of things having lawyers on the commission and the public paying to be used against our side of KESA. Like one skipping over the effect cherry picking would have on KESA. If I'd have had the full say, we wouldn't have paid the City to provide the outside area fire service. I believe, we weren't compensated for the entire tax base we lost. I'm not sure of all the figures of 875 people included in city boundary compared to 2,700 or more in outlying area. City claimed 4000 but I believe that's too many at that time.

NOTE: I'm in Michigan with few papers out of boxes of files in Alaska to answer this Remand because my mother died last July and I'm helping settle her affairs plus having a lot of medical problems.

Sincerely,

Doris Cabana
Alaskans Opposed to Annexation
Box 23
Homer, AK 99603
Ph. 907-235-6081
Fax 907-235-1311



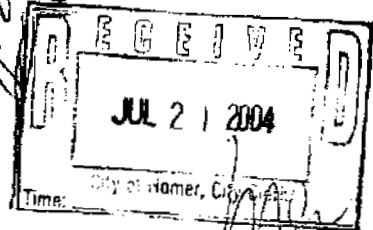
City of Homer

City Manager
491 East Pioneer Avenue
Homer, Alaska 99603
907-235-8121, X-2222

Fax: (907) 235-3148 E-mail: wmwrede@ci.homer.ak.us Web Site: www.ci.homer.ak.us

June 24, 2004

Local Boundary Commission
Department of Community and Economic Development
550 West Seventh Ave. Suite 1770
Anchorage, AK 99501-3510



Re: City of Homer Annexation Remand

Dear Members of the Commission and Staff:

Thank you for the opportunity to comment on Kachemak Emergency Service Area and the effect on KESA of Homer's annexation of 4.58 square miles.

Preliminary Matters Concerning Admission of Evidence

We understand the LBC's order of May 18, 2004, to limit comments to evidence dated, or events that occurred on or before January 17, 2002, and that the effect of this order is to allow the parties to submit additional evidence that satisfies that limitation.

As the City has stated previously, it is our position that either (i) no new evidence should be admitted, or (ii) if any evidence is admitted, it should not be limited to any particular period of time. Consequently, it is the City's intention to submit additional evidence that relates to events occurring after January 17, 2002. Such evidence will be submitted under separate cover as an offer of proof of evidence that the City would submit to the LBC for consideration if it were admitted.

KESA's Tax Base Is Ample To Support A Viable Service Area

Although the appellants' complain that the LBC failed to give adequate consideration to the effect annexation would have on KESA's finances, they fail to point to any evidence in the record that KESA would not have an adequate tax base after annexation.

In fact, KESA had a large tax base, even after annexation occurred. The first year in which KESA's tax base was calculated was 2001, before annexation took effect. In 2002 annexation took effect, and the KESA tax base was reduced. The following

We protest this *8 pages*
see letter dated June 24, 04
from City Manager Walt Wrede.
This is first page of letter.

Att: Judge Rindler Superior Court.

1.
State of Alaska, Local Boundary
Commission

Aug 31, 04

Mavis Cabana and Cabanas Opposed
Annexation. et. al

550 W. 7th Ave. Suite 1770

Unalaska, AK. 99501-3510

FAX 1-907 - 269-4539 PH (907) 269-4501

KESA of 4.58 sq. miles - 900 Residents

Please include previous
Comments and information from
Mavis Cabana and Cabanas Opposed
Annexation. et. al

My husband Leroy W Cabana
and my self own land taken
next to last, the annexed boundary
of Annexation of the City of Homer
on the North-West. It is ^{ABOUT} ~~about~~
1 mile past the old boundary at
the top of Bay Crest Hill. My
land was not touching at
contiguous to City of Homer. Not
only did the City make our property
and the Lloyd Moore property as
residential when both have
business on them and most
of the rest as Commercial I in
that mile. I believe its a
violation of their own standards
for Annexation not being contiguous

2.
11

I believe it Cunnepation as a whole should all be thrown out. They only took 600 feet on each side of the Hiway, Sterling Hiway, that is, a State Road and maintained by the State of Alaska clear to the end of Homer Spit from the mile from top of Bay Crest Hill. This area here was taken off the State Dept of transportation S.T.E.P. list that it's been on over 20 years trying to improve it from D.C.-NORTH. There has been many accidents and deaths on this stretch of road. Mile 168 to Anchor Point.

Homer wants it on a Series Hiway so they could get a big grant or Grants to manage it from Homer to Anchor Point.

As far as I'm concerned it was all for the tapes it could bring in, not what it could do for us but what our tapes would do for the city. I've seen very little in benefits for the residents of rock and of City of Homer, this area

3.

on both ends and Miller
Landing was the bulk of the
Commercial area when "cherry picking"
was done.

The Homer City manager and
the Ued LBC members screwed
the Tax payers out side the city
badly during annexation many times.

I protest any new
evidence submitted by city
if the Judge Rinder orders
Jan 17, 02, as the date.

(907) 235-6081
fax (907) 235-1311

Sincerely
Nancy Cabana
Box 607
Homer AK.
99603

I didn't see mention of new
June letter and in clipping then
again and want them part of
this remand.

Doris Cabana and Citizens Opposed
Annexation.

I
D. CABANA

TO: Homer Annexation Remand
Local Boundary Commission
550 West Seventh Avenue, Suite 1770
Anchorage, AK 99501
Phone 907-269-4560-4501/ Fax 907-269-4539
Website: www.deed.state.ak.us/cbd
E-Mail: questions@deed.state.ak.us.

FROM: Doris Cabana
Box 607
Homer, AK 99603
Phone 907-235-6081/Fax 907-235-1311

DATE: June 22, 2004

My personal answer of Remand on KESA will be short as I'm in Michigan without my many boxes of files because my mother died last July and my sisters and myself are settling her affairs and I'm also having many health problems.

KESA was impacted quite heavily when the City of Homer picked the most tax base out of the Katchemak Service Area (KESA). We felt all along the City of Homer dismissed the impact Homer Annexation had on KESA.

Homer City keeps harping on KESA was created illegally. I guess they figured if they keep saying it, people would believe it like many of their other things like their secret documents they tried to get through to the boundary commission before the public could have their input and be informed, without a vote of the people being effected.

We thought for awhile about fire services, petitioning the K.P.B. making the corridor where we live from former City limits to Diamond Ridge into its own entity, and many other things. It was not illegal.

We went through all the proper procedures with the Kenai Peninsula Borough to make KESA a legal entity and have been building on it with improvements, new buildings, new & used equipment, grants and a tax mill besides working and paying the City for their services. Over half the volunteers on the City of Homer Fire Department before annexation were from the outside Homer area. All the city did is pit neighbor against neighbor in their annexation.

My husband and I were next to last on our two properties to the North on the new boundaries of the city. All it got us was a bigger tax bill because the City of Homer only recognized \$150,000 exemption on valuation of senior citizens property where the KPB recognized total, non-commercial of persons home so there were more KESA taxes.

Number 14 of page 3 of Remand states, "No member of the Commission as currently constituted was a member of the Commission when the original petition came before it"

II
D. CABANA

A current member was excused for conflict of interest but not so when we asked Mr. Allan Teske to be excused from voting on the annexation since he had worked for the city but then Commission refused to excuse him and we felt all along this was wrong and harmed our case. Also like the Commissioner falling asleep at the Homer High School meeting and having typewritten answers when voting, this all effects KESA. The whole annexation should have been thrown out.

I would like the Judge and new Commissioners to ask the question, "Why was the whole commission changed?" We were told two ladies on the commission resigned in discuss at how the Homer Annexation was handled. That in itself, if true, should have voided the annexation which effects KESA.

What is the percent of taxes taken?

What is the percent of people taken in?

What is the percent of what was left in the outer area in taxes?

What is the affect on KESA?

What is the percent of people left on KESA?

What percent of mills it will take to make this up?

If I had my paper work, I could give a lot more testimony affecting KESA.

Sincerely,

Doris Cabana

Box 607

Homer, AK 99063

907-235-6081/fax 907-235-1311.

Enclosed are three pages from KPB Mayor's office sent at my request on KESA by Ed Oberts, Assistant to Mayor.



Kenai Peninsula Borough
Mayor's Office
144 North Binkley Street
Soldotna, AK 99669
Phone: (907) 262-4441, ext 201
Fax: (907) 262-8616

FAX TRANSMITTAL COVER SHEET

Date: 5/25/04

To: Doris

Fax: 235-1311

Re: KES

Sender: Ed Oberto

Information from State of Alaska

YOU SHOULD RECEIVE 3 PAGE(S), INCLUDING THIS COVER SHEET. IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL: 262-4441 EXT. 201

Borough Clerk Certified petition MAY 1, 2000

Assembly adopted Ord 2000-29 on 8/15/00
creating the Service Area subject to voter
approval.

10/00 Voters approved New Service Area

I have not found the date of the first large
meeting at Kachemak City Hall.

Ed Oberto

To: William Popp, Assembly President

Members of the Kenai Peninsula Borough Assembly

Thru: Dale Bagley, Borough Mayor

From: Ed Oberts, Assistant to Mayor Bagley

Date: July 10, 2000

Ordinance 2000-29 creating the proposed service area is in response to the citizen's petition that the Borough Clerks office certified on May 1, 2000. The petition contained 216 valid signatures representing 29.5% of the voter turnout in the October 1999 Kenai Peninsula Borough Regular Election.

The mayor's report to the assembly on the proposed service area was then prepared and submitted to the assembly at the June 6th meeting. The mayors report on the proposed service area outlined the options to the assembly and indicated creating a new service area subject to voter approval would follow the general philosophy which has governed the formation of service areas throughout the borough.

On June 28, 2000 the assembly conducted a public hearing on the proposed service area as required by borough code under the petition method of forming new service areas. The public testimony indicated continued support for forming the service area with a 1 to 2 mill tax rate. Discussions included the boundaries of the service area and how to provide services including possibly working with the City of Homer Fire Department.

Based on the public testimony the petition sponsors with the assistance of the mayor's office and the borough finance department intend to provide financial information at the July 18th assembly meeting.

The ordinance for introduction uses the boundaries as submitted with the petition and includes a maximum mill rate of 1.75 Mills. The ordinance requires the elected board to submit a plan for approval to assembly on how services will be provided in the service area in addition to the budget.

The ordinance creates the service area subject to voter approval and authorizes a special by mail election asking for voter approval to exercise the powers and simultaneously elect the service area board. Current borough code requires the simultaneous election for both the service area powers and the service area board members.

top
of
this

Commission
RECOMMENDS

Homer limit annex plans

■ **REPORT:** City wants 25 square miles; state officials suggest three.

By TOM KIZZIA
Anchorage Daily News

HOMER — State officials recommended Friday that Homer be allowed to annex three square miles of housing and commercial strip development on the edge of town, but not the entire 25 square miles sought by the city.

Homer's effort to sweep the surrounding semi-rural area into its city limits has roiled politics here for nearly two years. The controversy has also prompted the state to write new rules increasing public participation in future annexation proposals.

The long-awaited preliminary staff recommendation of the state's Local Boundary Commission is a key step in the Homer annexation process. But there will be more hurdles, including public hearings in December and a decision by the full commission, whose members are appointed by the governor. The Legislature has 45 days to decide whether to overturn the final decision.

The new staff report recommends a "conservative approach" for now and a wide-ranging discussion among Homer area residents about further changes.

The 3.3-square-mile recommendation draws in the houses of Skyline Drive behind town and some road frontage east and west of town. It includes most of the commercial development and some of the more heavily settled subdivisions just outside the city limits, a summary said.

Some 875 people would be included in the compromise, compared to 2,700 in the original annexation proposal. The current city of Homer has about 4,000 residents.

"I can't disagree with any of the areas they've recommended," said Homer City Manager Ron Drathman, who has spearheaded the city's propos-

See Page B-2, HOMER

2001- Oct 10/11

2001- Oct 10/11



A bull moose travels through South Anchorage recently with two cow impress possible mates as breeding season reaches its peak.

The

Breeding season peaks for local moose

By PETER PORCO
Anchorage Daily News

It's natural, it's powerful and it's stinky.

It is the annual mating game known as the rut, and Alaska moose by the thousands are in the heat of it. The season has probably peaked, in normal years, rut comes to a close by Oct. 5 or 6, said Ted Spraker, Alaska Department of Fish and Game biologist for the Kenai Peninsula. Tonight could be it for local bulls and cows.

The ritual is exquisitely synchronized toward a single goal: a new crop of calves born next May 27, give or take a few days, Spraker said.

For weeks, the bulls and cows have been acting not so differently than lonely hearts at a singles bar, sending and responding to chemical and visual signals that essentially say, "I'm sexy, don't you think?"

The drama has been playing out for several weeks all across the Anchorage Bowl, in the Chugach foothills, in wooded areas and some city parks, even in some urban Anchorage neighborhoods.

Bull moose are trying to herd harems of cows, taking the measure of each other by thrashing trees

with the Fish and Game Department. But he said. The mostly the



the size of the rut. He stomped on the rut. A tuft of

He has pheromones available. bull, and alone to nudge over, I v Spraker. The s

Anchorage Daily News
Oct 6, 2001 B1 & 2

HOMER: Recommendation falls short of city plan

Continued from C-1

al. He said he wants to see the entire 400-page recommendation, due out next week, to see why the staff excluded some areas sought by the city.

"We were looking at a 20-year plan to begin with and figuring out where we were going," Drathman said.

Opponents of annexation said it's too late for compromise on this proposal. The city should scrap the whole thing and start over, this time bringing people outside the city limits into the discussion, they said.

"We're not willing to compromise, but this is what we expected them to come up with," said Abigail Fuller, a spokeswoman with Citizens Concerned About Annexation. "This shouldn't go through at all because of the way it was handled. The city has been so obnoxious."

The state's new annexation rules, written by the Local Boundary Commission and awaiting final adoption, would require a municipal government to develop a detailed plan, including discussion of how it would affect noncity residents, and then hold public hearings before submitting the proposal to the state.

In Homer's case, a quick City Council vote in March 2000 set in motion a formal effort to annex 25 square miles of territory.

The decision was up to the Local Boundary Commission, with the Legislature having the final say.

City officials said thousands of area residents were relying on city services such as the fire department but not

paying taxes.

Residents of the outlying area were stunned to learn that they wouldn't get a chance to vote on the question. Many complained that moving the city limits would subject them to stiffer regulation and higher taxes.

The city's pitch to the state was based in part on confidential internal memos from city department heads. Opponents challenged the city's estimates and went to court seeking those internal memos.

In a public-records decision with implications beyond the immediate annexation issue, a Superior Court judge ruled that city officials have the same privacy shield for decision-making documents as the governor.

That case has been appealed to the state Supreme Court.

"They do seem to accept the city's numbers, which we question," Fuller said Friday of the staff recommendation.

The controversy brought picketers to city hall and raucous anti-annexation floats to the local Winter Carnival parade. It also prompted voters outside city limits last year to form a new fire service area, which uses a small property tax to pay the city for improved fire and ambulance help.

Outside the city, where residents are part of the Kenai Peninsula Borough, peo-

ple pay a 2 percent sales tax compared to a 5.5 percent tax in the city. The property tax is 2.75 mills higher in the city, said Drathman. One mill amounts to \$100 a year per \$100,000 in home or other property value.

The boundary commission staff said the smaller annexation would mean a net gain to the city from taxes of \$588,000, some of which would be earmarked for roads and utilities. The rest could be used to lower city property taxes, the staff said.

The state staff also felt future discussions should not ignore Kachemak City, a small fourth-class city east of Homer that would have become a surrounded enclave Andorra-like, under Homer's original proposal.

"It would have stirred things up even more, but this is an issue that needs to be dealt with," said Dan Bockhorst of the commission's staff.

Reporter Tom Kizzia can be reached at tkizzia@adn.com or at 907-235-4244.



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Birthday**